

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

AFSHIN MONSEFI, Individually And On Behalf  
of All Others Similarly Situated,

Plaintiff,

VS.

ORION ENERGY SYSTEMS, INC., NEAL R. VERFUERTH, DANIEL J. WAIBEL, THOMAS A. QUADRACCI, MICHAEL J. POTTS, DIANA PROPPER de CALLEJON, JAMES R. CACKLEY, ECKHART G. GROHMANN, PATRICK J. TROTTER, THOMAS WEISEL PARTNERS, LLC, CANACCORD ADAMS, INC., and PACIFIC GROWTH EQUITIES, LCC,

Defendants.

DOCKET NUMBER: 08-cv-01328

HON. RICHARD J. SULLIVAN

(Caption continued on the following page)

**NOTICE OF WITHDRAWAL OF THE MOTION OF WALTER MILBRATH TO  
CONSOLIDATE RELATED ACTIONS; TO BE APPOINTED LEAD PLAINTIFF; AND  
TO APPROVE PROPOSED LEAD PLAINTIFF'S CHOICE OF COUNSEL**

On April 11, 2008, Movant Walter Milbraith (“Milbraith”) filed a Motion to Consolidate Related Actions; to be Appointed Lead Plaintiff; and to Approve Proposed Lead Plaintiffs’ Choice of Counsel. Rec. Docket no. 12.

After reviewing the motions for lead plaintiff filed by other Movants in this matter, Milbraith hereby notices the withdrawal of his motion for lead plaintiff in light of the greater financial interest of other Movants.

Dated: April 28, 2008

Respectfully submitted,

KAHN GAUTHIER SWICK, LLC

/s/ Kim E. Miller

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*Counsel for Walter Milbrath and Proposed  
Lead Counsel for the Class*

**CERTIFICATE OF SERVICE**

I hereby certify that this Motion was filed through the ECF system and will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF), and paper copies will be sent to those indicated as non-registered participants on April 28, 2008.

/s/ Kim E. Miller

Kim E. Miller